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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,471	05/29/2001	Hsiang Tsun Yen	ACR0034-US	3490

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QUINTERO LAW OFFICE
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SANTA MONICA, CA 90404

EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,471

Applicant(s)

YEN ET AL.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because Fig. 5 does not include the following reference sign(s) mentioned in the description: Priority number **62**, on page 10, line 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

1. Claims 9, 18, 27, and 36 are objected to because of the following informalities: There are minor grammatical errors in the wording of the claims, which make the claims unclear. In order for the Examiner to advance prosecution of the application for patent, the Examiner has interpreted the claims as understood. Appropriate correction is required.

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2. Claim 18, is further objected to because of the following minor informalities:

The Examiner feels that claim 18, should depend on claim 10, and not claim 20. In order for the Examiner to advance prosecution of the application for patent, the Examiner has interpreted claim 18 as being dependent on claim 10, and not claim 20. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard, U.S. Patent 6,182,050, in view of Lerman et al. (hereinafter Lerman), U.S. Patent 6,378,036.

3. In considering claims 1, 10, 19, and 28, Ballard teaches a method and system for real-time data scheduling for displaying real-time data using a server, the server collecting a plurality of data, assorting the data into a plurality of channel-data, giving a timer on each channel-data, the client having a user interface, a plurality of channel receiving unit and a channel-data switching unit, the method for real-time data scheduling comprising:

- a) Making a channel request to the server from the channel unit, (col. 3, lines 14-20);
- b) Receiving the channel request in the server and transferring the corresponding channel-data to the channel receiving unit, (col. 3, lines 21-25);
- c) Receiving the channel-data in the channel unit, and defining the time to display the data by the user interface unit, according to the timer of the channel-data, (col. 2, lines 16-22).

Although the disclosed method and system of Ballard shows substantial features of the claimed invention, it fails to explicitly disclose:

- d) The channel-data entering a plurality of queues.

Nevertheless, using a plurality of queues for requested data was well known in the art at the time of the present invention. In a similar field of endeavor, Lerman exemplifies this, and teaches a queuing architecture including a plurality of queues and an associated method for scheduling disk access request for video content comprising:

- d) Entering the access requests into a plurality of queues in order to efficiently access the video content, (col. 2, lines 15-37).

Thus given the teachings of Lerman, it would have been obvious to one of ordinary skill in the art to modify the teachings of Ballard in order to show, upon receiving the channel-data in the channel unit, defining a time to enter a plurality of queues according to the timer of the channel-data, and defining the order of the channel-data in the corresponding queue according to a queue number of the channel-

data. This would have provided an efficient, and well-known means for constantly displaying channel-data on the user's interface unit, Lerman, col. 2, lines 51-55.

4. In considering claims 2, 11, 20, and 29, Lerman teaches the queue number defining the priority of the data. See col. 2, lines 15-37. One of ordinary skill in the art would modify the teachings of Ballard with Lerman to have the queue number define the priority of the data display for the same reasons indicated in consideration of claims 1, 10, 19, and 28.

5. In considering claims 3, 12, 21, and 30, Ballard further provides a means for displaying channel-data with higher priority prior than channel-data with lower priority. See col. 11, lines 54-61.

6. In considering claims 4, 13, 22, and 31, Ballard further provides a means for, when channel-data with higher priority of the data display cut in the queue, displaying the channel-data with higher priority prior than channel-data with lower priority. See col. 11, lines 54-61.

7. In considering claims 5, 14, 23, and 32, Lerman teaches the queue following the FIFO (first in first out) rule. See col. 2, lines 15-37. One of ordinary skill in the art would modify the teachings of Ballard with Lerman to have the channel-data in the

queue follow the FIFO rule for the same reasons indicated in consideration of claims 1, 10, 19, and 28.

8. In considering claims 6, 15, 24, and 33, Ballard further provides a means for, when the channel-data in a plurality of queues is empty, simultaneously displaying pre-determined data with timer defining the display time of a later period. See col. 10, lines 6-10.

9. In considering claims 7, 16, 25, and 34, Ballard teaches the pre-determined data being an advertisement. See col. 10, lines 6-10.

10. In considering claims 8, 17, 26, and 35, Ballard teaches the server providing the user interface. See col. 3, lines 21-25.

11. In considering claims 9, 18, 27, and 36, Ballard teaches the channel-data being dependent upon a clients request. See col. 3, lines 14-20.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson et al., U.S. Patent 6,594,682 discloses a system for scheduling delivery of web content, and managing the web content locally.

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Landsman et al., U.S. Patent 6,516,338 discloses a method and apparatus for providing interstitial web advertisements to a client computer.

Landsman et al., U.S. Patent 6,785,659 discloses a technique for transparently providing browser-initiated advertising to a client computer.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FRANTZ B. JEAN
PRIMARY EXAMINER

HP/
9/16/04